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June 27, 2013

Michael Wagner  
USEPA REGION 1 - New England  
5 Post Office Square  
**Mail Code:** OES04-3  
Boston, MA 02109-3912

**RE: Consent Decree Docket No. 09-cv-283-PB - NPDES Permit No. NH0100234  
Notice of Dispute Regarding Compliance Schedule**

Michael:

This letter confirms our recent telephone conversation in which I notified you that the City considers that a dispute has arisen regarding the City's request for an extension of the compliance schedule, thus triggering the provisions of the Consent Decree, paragraph 41 et. seq. The City has advised EPA that it believes that certain changes in circumstances and new information since the City agreed to the current compliance schedule regarding the secondary treatment plant upgrade authorize the City to seek a modification of the schedule. Due to these changes, the City believes an additional 18 months will be necessary. However, the completed project will provide secondary treatment which is required by the Consent Decree and nitrogen removal which is not but which we understand EPA believes is important. Procedures for modification of the Consent Decree are set forth in Consent Decree paragraph 66 et. seq.

Preliminary notice of these developments has been provided to EPA in the City's Quarterly Status Report dated April 30, 2013. Although the City in that letter advised EPA that it would be submitting more detailed information concerning the City's reasons for seeking modification, EPA responded before the City could do so. The EPA letter dated May 30, 2013, indicated that EPA did not believe, given current information before it, that an extension was warranted. Based upon that letter, the City believes that at this time, it must seek the dispute resolution relief mechanism. We will be providing you a more detailed statement of the matter in dispute from the City's perspective. We consider that this letter triggers the period of informal negotiations which under Consent Decree paragraph 42 is not to exceed 30 days. During the next 30 days, we look forward to discussing the subject of the dispute and its possible resolution with you. We will be providing additional supporting data and analysis for your review. Please confirm that this procedure is acceptable to you and is in compliance with the terms of the Consent Decree.

Michael Wagner, Esquire  
Environmental Protection Agency, Region I  
June 27, 2013  
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Thank you for your anticipated cooperation in seeking to resolve this dispute.

Very truly yours,



E. Tupper Kinder

ETK/sma

Cc: David S. Allen, Deputy City Manager  
Lauren Noether, Department of Justice  
Vicki V. Quiram, Assistant Commissioner  
Tracy L. Wood, P.E., NHDES  
Suzanne M. Woodland, Esquire  
K. Allen Brooks, Esquire, Department of Justice, Environmental Protection Bureau  
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